

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 02/31024

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 A61K9/20 A61K9/28

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages  | Relevant to claim No. |
|------------|---|-----------------------|
| X          | EP 0 788 790 A (JAGOTEC AG)<br>13 August 1997 (1997-08-13)<br>cited in the application<br>figures; examples<br>----   | 1,26-28               |
| X          | WO 94 06416 A (JAGOTEC AG ;CONTE UBALDO<br>(IT); MAGGI LAURETTA (IT); MANNA ALDO (IT)<br>31 March 1994 (1994-03-31)<br>cited in the application<br>figure 2; examples 1-3,5<br>---- | 1                     |
| X          | WO 99 51209 A (IMPAX PHARMACEUTICALS INC)<br>14 October 1999 (1999-10-14)<br>cited in the application<br>figure 2; example 2<br>-----<br>-/-  | 1                     |

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \* & \* document member of the same patent family

Date of the actual completion of the international search

11 February 2003

Date of mailing of the international search report

26/02/2003

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| C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT |  |                       |
|--|--|-----------------------|
| Category *   | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
| X  | US 5 464 633 A (LA MANNA ALDO ET AL)<br>7 November 1995 (1995-11-07)<br>cited in the application<br>claim 15; figure 1<br>---- | 1                     |
| X  | DE 198 34 180 A (BENCKISER NV)<br>3 February 2000 (2000-02-03)<br>figures<br>----  | 1,26,28               |
| X  | US 5 213 808 A (BAR-SHALOM DANIEL ET AL)<br>25 May 1993 (1993-05-25)<br>figures; examples<br>----                              | 1,26-28               |
| X  | US 2001/001280 A1 (ESPINAL STEVEN ET AL)<br>17 May 2001 (2001-05-17)<br>figures 1-4; examples<br>----                          | 1,26-28               |
| P,X  | US 6 365 185 B1 (RITSCHER WOLFGANG A ET AL)<br>2 April 2002 (2002-04-02)<br>figures 3,7,8<br>----                              | 1,26-28               |
| X  | EP 1 077 065 A (CHUGAI PHARMACEUTICAL CO LTD)<br>21 February 2001 (2001-02-21)<br>figures 3-5<br>-----                         | 1,26,28               |

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

Continuation of Box I.2

Claims Nos.: 2-25, 29-51 (not searched), 1, 26-28 (partially)

Claims 2-25 and 29-51 have been not searched and claims 1 and 26-28 have been searched partially for the following reasons:

Present independent claims 1, 26, 27 and 28 relate to an extremely large number of possible products ("dosage form", "active ingredient"). Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the products claimed ("pharmaceutically active ingredient").

The further characterizing parameter "wherein the shell is substantially free of pores having a diameter of 0.5 to 5.0 microns" in claim 1 is considered to lead to a lack of clarity within the meaning of Article 6 PCT.

It is impossible to compare the parameters the applicant has chosen to employ with what is set out in the prior art.

In view of the large number and also the wording of the dependent claims presently on file, which render it difficult, if not impossible, to determine the matter for which protection is sought, the present application fails to comply with the clarity and conciseness requirements of Article 6 PCT (see also Rule 6.1(a) PCT) to such an extent that a meaningful search is impossible.

Consequently, the search has been carried out for those parts of the independent claims 1, 26, 27 and 28 which appear to be clear, supported and disclosed, namely those parts relating to the products prepared in the examples.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☒ Claims Nos.: 2-25, 29-51 (not searched), 1, 26-28 (partially)  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

 International application No  
 PCT/US 02/31024

| Patent document<br>cited in search report |    | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
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# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 2001/031024

| Patent document<br>cited in search report | Publication<br>date | Patent family<br>member(s) | Publication<br>date      |
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